

DIAA Board of Directors' Meeting Minutes
Thursday, November 14, 2013 – 9:00 a.m.
John W. Collette Education Resource Center

I. Opening

A. Call to Order

The meeting was called to order at 9:05 a.m. by Terre Taylor.

B. Roll Call

The following DIAA Board members were present: Terre Taylor, Curtis Bedford, Gerald Kobasa, Joe Thomson, Edna Cale, Craig Eliassen, Laura Leone, Catherine Marvel, Bradley Layfield, Artie Uhlich, Dr. Mark Holodick, Ron Eby, Dr. Robert Walter, Leroy Mann, and Nils Marcune. Kevin Charles, Executive Director, and Paula Fontello, Deputy Attorney General, were also in attendance. Board members Dr. Kevin Fitzgerald, Willie Savage, Dave Thomas, Susan Coffing, and Dr. Susan Haberstroh were unable to attend.

C. Approval of Agenda

Ms. Taylor stated that the agenda was being amended to remove the public comment by John Cashion per his request and to add Item III H. Mr. Eby made a motion to approve the amended agenda. The motion was seconded by Ms. Cale and carried unanimously.

D. Approval of Minutes of DIAA October 10, 2013 Board Meeting

Ms. Cale made a motion to approve the minutes of the October 10, 2013 DIAA Board meeting. The motion was seconded by Ms. Leone and carried unanimously.

E. DIAA Financial Report

Mr. Charles reported that the total income to date is \$157,418 which is 20% of the projected revenue. Mr. Charles reported that for the period October 1 to November 1 the total income was \$13,222 which was limited to income from tournament fees, officials' dues, and member dues. Mr. Charles then reported that the total expenses to date were \$238,135 which is 30% of the projected expenditures and for the period \$58,415 which included expenses from the miscellaneous tournament expenses, publications, salary and OEC's and some travel. Mr. Charles reported that the deficit is \$80,717 which is typical for this time of year. Mr. Charles stated that there is a detailed report available for Board members upon request. Mr. Kobasa made a motion to accept the financial report. The motion was seconded by Mr. Thomson and carried unanimously.

II. Public Comment

None

III. Action Items

A. Approval of Tournament Sanctions

Mr. Charles reported that there are 48 requests for tournament sanctions that were in compliance with the governing standards for approval and 1 that was not. Mr. Charles explained that there were 10 basketball, 17 indoor track, 13 wrestling tournaments for approval including the Beast of the East and 1 for a girls wrestling tournament that failed to meet the approval criteria, 4 outdoor track, 1 cross country, 2 baseball, and 1 softball. Mr. Charles explained that with the exception on the one girl's wrestling tournament the others based on his review appear to be in compliance with NFHS and DIAA requirements. Mr. Eby made a motion to approve the requests for sanction as presented. The motion was seconded by Ms. Cale and carried unanimously.

B. Request for Waiver of 1009.2.4 by William Penn HS for DIAA 2013-11-1

Student and Student's father were in attendance to present this request. Student's father requested a closed hearing. A school representative was not in attendance. Ms. Cale made a motion to go into executive session at the parent's request for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Layfield and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there were 14 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Ms. Marvel made a motion to go into deliberation. The motion was seconded by Mr. Layfield and carried unanimously. Mr. Kobasa made a motion to come out of deliberation. The motion was seconded by Mr. Mann and carried unanimously. Ms. Cale made a motion to come out of executive session. The motion was seconded by Ms. Marvel and carried unanimously.

Mr. Eby made a motion to deny Student's request Student failed to meet his burden and establish a hardship and that under the circumstances as presented the spirit of the rule would be offended or compromised. The motion was seconded by Mr. Kobasa and carried by a vote of 11 – yes (Taylor, Bedford, Kobasa, Thomson, Eliassen, Layfield, Uhlich, Holodick, Eby, Mann, and Marcune) and 3 – no (Cale, Marvel, and Leone).

The Board recessed at 10:10 a.m. and reconvened at 10:20 a.m.

IV. B. Misc.

Mr. Charles updated the Board on the transition of the wrestling body composition testing and stated that it is going very well.

Mr. Charles reviewed an article in the Lacrosse magazine.

Mr. Charles updated the Board on the fall tournaments. Mr. Charles stated that the move to Division I and Division II in soccer has been received very well.

Mr. Charles commented on the volleyball semifinals and had very good attendance.

Mr. Charles reported on the NFHS Network has covered all finals in the sports so far and explained how it worked.

III. C. Request for Waiver of 1009.2.4 by William Penn HS for DIAA 2013-11-2

Student and Student's father were in attendance to present this request. Student's father requested a closed hearing. A school representative was not in attendance. Mr. Layfield made a motion to go into executive session at the parent's request for the purposes of protecting the pupil file as an exception to the Freedom of Information Act. The motion was seconded by Mr. Bedford and carried unanimously. Ms. Leone recused herself prior to the beginning of the hearing and did not participate as a Board member.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there were 13 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Thomson made a motion to go into deliberation. The motion was seconded by Dr. Holodick and carried unanimously. Mr. Thomson made a motion to come out of deliberation. The motion was seconded by Mr. Marcune and carried unanimously. Ms. Cale made a motion to come out of executive session. The motion was seconded by Mr. Thomson and carried unanimously.

Mr. Eliassen made a motion to grant the waiver request based on the evidence presented the Student has met their burden and established a hardship which consist of unforeseen events that developed at Hodgson with respect to the peer group that produced negative academic and behavioral results and the accumulative effects of the loss of student's mother. The motion was seconded by Mr. Thomson and carried by a vote of 13 – yes (Taylor, Bedford, Kobasa, Thomson, Eliassen, Layfield, Uhlich, Holodick, Eby, Mann, Cale, Marvel, and Marcune).

D. Interim Waivers by Executive Director

Mr. Charles suggested to the Board that the two interim waivers be tabled due to the lack of required information. Mr. Kobasa made a motion to table the two interim waivers. The motion was seconded by Mr. Bedford and carried unanimously.

H. Request for Appeal of 1009.2.10.2 by Caesar Rodney High School

Mr. Mike Schonewolf, athletic director for Caesar Rodney High School. It was clarified that information from the Student's pupil file had been submitted with the waiver package. Mr. Schonewolf requested a closed hearing to protect the privacy of the pupil files that would be discussed during the hearing. Ms. Cale made a motion to go into executive session for the purpose of protecting the privacy of the pupil file. The motion was seconded by Mr. Eby and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there were 13 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Layfield made a motion to come out of executive session. The motion was seconded by Mr. Thomson and carried unanimously. Mr. Kobasa made a motion to

grant the appeal of the forfeiture rule and fine the school \$200.00 because of the special circumstances presented and refer the matter to the Sportsmanship Committee as per the rule. The motion was seconded by Mr. Layfield and carried by a vote of 12 – yes (Kobasa, Thomson, Cale, Eliassen, Leone, Layfield, Uhlich, Holodick, Eby, Mann, Marcune, Taylor, and Bedford) and 1 – no (Marvel).

E. Request for Waiver of 1009.2.10.2 by Sussex Central HS

Prior to the start of the hearing Mr. Layfield and Mr. Uhlich recused themselves from this hearing and did not participate as Board members. Mr. Layfield was in attendance to present the school's request and requested a closed hearing to protect the confidentiality of the pupil file that was included in the waiver request packets. Mr. Marcune made a motion to go into executive session based on the request by the school in order to protect the confidentiality of the pupil file that is included in the waiver packet. The motion was seconded by Mr. Mann and carried unanimously.

While in executive session, the hearing proceeded, evidence was taken, and the Board held deliberations. Ms. Fontello explained that DIAA is a 20 member Board and has 19 voting members. Ms. Fontello further explained that the law requires the affirmative vote of a majority of the voting members present in order to pass a waiver request. Ms. Fontello explained that there were 12 voting members present and participating to consider the matter. The parties confirmed that they understood and wished to proceed with less than the full Board present. All persons participating in this hearing were sworn in. All the documentation was made part of the record and in addition to the testimony given the Board considered and relied upon the written documentation provided.

Mr. Eby made a motion to come out of executive session. The motion was seconded by Mr. Mann and carried unanimously. Mr. Thomson made a motion to approve the executive director's interim waiver for the student based on evidence that was presented and grant the request for the waiver of the forfeiture rule and impose a fine of \$200.00 and refer the matter to the Sportsmanship Committee as per the rule. The motion was seconded by Mr. Eby and carried unanimously.

F. Request for Membership by Reach Academy

Mr. Charles explained that Reach Academy submitted a request for DIAA membership. Mr. Charles reported that Reach Academy's charter was not renewed and the school will close at the end of the year. Mr. Charles advised that he contacted the school and verified they still wanted to go through with this request for membership. Mr. Charles explained that the school is a charter school and their school is approved through the end of the year. Mr. Eby made a motion to accept the request for membership. The motion was seconded by Mr. Marcune and carried by a vote of 13 – yes (Taylor, Bedford, Kobasa, Thomson, Eliassen, Leone, Marvel, Layfield, Uhlich, Holodick, Eby, Mann, and Marcune) and 1 – no (Cale).

G. DIAA Football Finals Site

Mr. Charles reported that in reviewing the schedule for the football finals and discovered that the football finals were scheduled for Black Friday. Mr. Charles stated that the Delaware State University was the scheduled site and on the Black Friday Shopping day the parking lots surrounding the stadium will be flooded with spectators. Mr. Charles stated at the same time he has been having multiple meetings with the University of Delaware discussing holding more DIAA events at the University of Delaware. Mr. Charles stated that after communications with both Universities and the DIAA Football Committee it was decided to hold the football championship games at the University of Delaware. Mr. Charles also stated that choosing to go to the University of Delaware for this year is not a reflection on Delaware State University. Mr. Eby made a motion to approve holding the DIAA Football Championship games at the University of Delaware on a one year trial basis. The motion was seconded by Mr. Kobasa and carried unanimously.

IV. Executive Director's Report

- A. Legal - Ms. Fontello reported that DIAA has received notice of an investigation regarding a parent complaint alleging a Title IX violation. She further explained that DOE's Title IX Coordinator is conducting the investigation.

V. Other

Board members had a general discussion about the waiver hearing process.

VI. Public Comment

None

VII. Adjournment

Mr. Layfield made a motion to adjourn at 12:55 p.m. The motion was seconded by Ms. Cale and carried unanimously.

Tina Hurley